

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**October 28, 2004**

DIVISION ONE

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

I concur: Spencer, P.J.  
I concur: Ortega, J. (opinion)

B168631 People (Not for Publication)  
v.  
Christian A.

The order is modified as stated in Paragraphs 1 - 4, ante, and, as modified, affirmed and remanded to the trial court with directions to issue a corrected order.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Mallano, J.

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Mallano, J.

B171811 County of Los Angeles (Not for Publication)  
v.  
Lexington National Insurance Company

The judgment is reversed. The matter is remanded to the trial court for entry of an order exonerating the bond. Lexington National Insurance Company is entitled to its costs on appeal.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B173572      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Steve B.,  
In re Bridget B., a minor

The order is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Mallano, J.

DIVISION ONE (Continued)

B173909      Los Angeles County, D.C.S.      (Not for Publication)

v.

Joseph K.,

In re John K, a minor

The judgment (February 2, 2004, order terminating parental rights) is affirmed.

Ortega, J.

We concur:    Spencer, P.J.  
                     Vogel (Miriam A.), J.

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy Clerk.

Each of the following:

B170334 People v. White  
B173684 People v. Green  
B172486 People v. Maxion  
B168980 People v. Zinchenko and Ivlev  
B169215 People v. Hanna  
B172452 People v. Horsley  
B168784 People v. Walker and Walker  
B170598 People v. Kleinman  
B168924 People v. Orane  
B170570 People v. Green  
B171524 People v. Rojas  
B172627 People v. Rosenthal  
B173134 DCFS v. Misumi O.  
B177118 Anna F. v. SCLA  
B175677 DCFS v. Dawn Z.  
B177350 Maria N. v. SCLA  
B173674 DCFS v. Raymond E.  
B173929 DCFS v. Celia T.

DIVISION TWO (Continued)

Each of the following (continued):

B174832 DCFS v. Nadine R.  
B177945 Patricia C. v. SCLA

Argument waived, cause submitted.

B167163     Teola  
               v.  
               West Los Angeles College, et al.

Merits:  
Argued by Robert Esensten for appellant and by Martine Magana for respondents. Cause submitted.

B170760     Morgan, et al.  
               v.  
               Long Beach Civil Service Commission, et al.

Merits:  
Argued by James E. Trott for appellants and by Christina L. Checel for respondents. Cause submitted.

B171220     Yoo  
               v.  
               Wong

Merits:  
Argued by Paul W. Ralph for appellant and by Maxine Lebowitz for respondent. Cause submitted.

DIVISION TWO (Continued)

B172706     Shin  
              v.  
              The Acupuncture Board of Dept. of Consumer

Merits:  
Argued by Philip Rafferty for appellant and by Robert Eisman for  
respondent. Cause submitted.

B168721     People  
              v.  
              Weems

Merits:  
Argued by Noah P. Hill, Deputy Attorney General for respondent and by  
Richard G. Sherman for appellant. Cause submitted.

B169944     Warner  
              v.  
              Bussard

Merits:  
Argued by Thomas J. Jeffers for appellant and by Bess Blank for  
respondent. Cause submitted.

B165760     Francis  
              v.  
              State of California, et al.

Merits:  
Argued by Bill Hence, Jr. for appellant and by Patricia Nevonen, Deputy  
Attorney General for respondents. Cause submitted.

DIVISION TWO (Continued)

B166352     M.J. Benjamin, Inc.  
               v.  
               Bonta, as Director, etc.

Merits:  
Argued by Gretchen Nelson for appellant and by Gregory Cribbs, Deputy Attorney General for respondents. Cause submitted.

B164363     Aghasi  
               v.  
               Levi

Merits:  
Argued by Mark E. Goodfriend for respondent and by Daniel J. Cheren for appellant. Cause submitted.

B167486     Bookstein  
               v.  
               Gross

Merits:  
Argued by Stephen Schneider for appellant and by Edwin Schreiber for appellant. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy Clerk.

DIVISION TWO (Continued)

B170702     Hawks  
              v.  
              Hawks,  
              Menke

Merits:

Argued by Thomas Kemerer for appellant Menke. No appearance being made by counsel for the Hawks. Cause submitted.

B171581     Fireman's Fund Ins. Co.  
              v.  
              Crusader Ins. Co.

Merits:

Argued by Jerome Jackson for appellant and by Gerald Peters for respondent. Cause submitted.

B176813     Felts  
              v.  
              Superior Court, Los Angeles County  
              (The People, r.p.i.)

Merits:

Argued by David Goodwin for petitioner and by Shirley S.N. Sun, Deputy District Attorney for real parties in interest. Cause submitted.

B168187     SBAM Partners  
              v.  
              OH, et al.

Merits:

Argued by Peter Y. Lee for appellant and by Lewis Landau for respondent. Cause submitted.

DIVISION TWO (Continued)

B175550     Ustman Technologies, Inc., et al.  
              v.  
              Superior Court, Los Angeles County  
              (Dilillo, et al., r.p.i.)

Merits:

Argued by David E. Rosen for petitioners and by Peter D. Bull for real parties in interest. Cause submitted.

B167217     Continental Casualty Co.  
              v.  
              Travelers Casualty and Surety Co.

Merits:

Argued by Neil H. Selman for respondent and by Arthur N. Lambert for appellant. Cause submitted.

Court adjourned.

DIVISION THREE

B169011     California Department of Insurance et al.            (Not for Publication)  
B169013     v.  
B169015     State Farm General Insurance et al.  
B169016  
B169017     The judgments are affirmed. The insurers shall recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
              Kitching, J.



### DIVISION THREE (Continued)

B159239      Universal Savings Bank  
v.  
Bankers Standard Insurance Co. et al

Filed order vacating submission order of July 20, 2004. Due to the press of other court business and the complexity of the issues, additional time is needed to complete and file the opinion in this matter. Cause resubmitted.

B166179 American Federation of State, et al.  
v.  
Metropolitan Water District of Southern California

Filed order vacating submission order of July 14, 2004. Due to the press of other court business and the complexity of the issues in this case, additional time is needed to complete and file the opinion in this matter.. Cause resubmitted.

B174442 County of Los Angeles  
v.  
Superior Court, Los Angeles County (Rafael Ceballos, r.p.i.)

Filed order vacating submission order of July 14, 2004. Due to the press  
other court business and the complexity of the issues in this case, additional  
time is needed to complete and file the opinion in this matter.. Cause  
resubmitted.

## DIVISION FOUR

B171347 People (Not for Publication)  
v.  
Vernon

The judgment is affirmed.

Grimes, J. (Assigned)

We concur: Epstein, P.J.  
Hastings, J.

DIVISION FOUR (Continued)

B173030      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Rene S.

The findings of the juvenile court of inappropriate discipline and domestic violence as well as the order removing V. from Father's custody are affirmed.

Hastings, J.

We concur: Epstein, P.J.  
Curry, J.

B170937      People      (Not for Publication)  
v.  
Willie G.

The condition in the order that appellant refrain from associating with anyone disapproved by his parents or probation officer is modified to provide that appellant is to refrain from associating with anyone known by appellant to be disapproved by his parents or probation officer. The conditions that he stay away from places where users of narcotics, controlled substances, etc. congregate and that he not remain in the presence of persons unlawfully armed are modified to provide that appellant is to stay away from places he knows to be where users congregate and that he not remain in the presence of persons he knows to be unlawfully armed. Additionally, appellant is awarded 183 days of predisposition custody credits and the minute order is to be modified to reflect the award. In all other respects, the order is affirmed.

Hastings, J.

We concur: Epstein, P.J.  
Curry, J.

October 28, 2004 (Continued)

## DIVISION FOUR (Continued)

B166691      Haupt      (Not for Publication)  
v.  
City of Glendale

The order awarding attorney fees is reversed. Costs on appeal are awarded to appellant.

Hastings, J.

We concur: Epstein, P.J.  
Grimes, J. (Assigned)

B172580      Wong  
v.  
City of Los Angeles

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed December 11, 2003) dismissed.

DIVISION FIVE

B169074 People (Not for Publication)  
v.  
David Vuong

The judgment is affirmed. Upon issuance of the remittitur, the trial court is to insure the abstract of judgment deletes any reference to Penal Code section 667, subdivisions (b) through (i).

Turner, P.J.

We concur:   Armstrong, J.  
                      Mosk, J.

We concur: Grignon, J.  
Mosk, J.

DIVISION FIVE (Continued)

B171891      Farhad Larian                      (Certified for Publication)  
                 v.  
                 Isaac Larian

The order denying the petition to compel arbitration is reversed. Upon issuance of the remittitur, the trial court is to grant the motion to compel arbitration and stay civil proceedings. Defendant, Isaac Larian, is awarded his costs on appeal from plaintiff, Farhad Larian.

Turner, P.J.

I concur:      Grignon, J.  
I concur:      Mosk, J. (Opinion)

DIVISION SIX

B173127      People                                      (Not for Publication)  
                 v.  
                 Hardin

We modify the restitution order to state that it cannot be satisfied from Hardin's prison wages until the restitution fine and probation investigation fee are satisfied. The judgment is otherwise affirmed.

Gilbert, P.J.

We concur:    Yegan, J.  
                 Perren, J.

B175003      People                                      (Not for Publication)  
                 v.  
                 Argueta

The judgment is affirmed.

Gilbert, P.J.

We concur:    Coffee, J.  
                 Perren, J.

October 28, 2004 (Continued)

## DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

B171446 People (Not for Publication)  
v.  
Moreno

The judgment is affirmed. Appellant's motion to vacate the judgment pursuant to section 1181, subdivision 9 is denied.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

B173074 People (Not for Publication)  
v.  
Hernandez

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

## DIVISION EIGHT

B160767      Madison      (Not for Publication)  
v.  
Madison

The judgment is affirmed. Cheryl is to recover her costs on appeal.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.

B171873 People (Not for Publication)  
v.  
Santos

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

B173379 People (Not for Publication)  
v.  
Thomas

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Boland, J.  
Flier, J.

DIVISION EIGHT (Continued)

B168323      Agjebo et al.                      (Not for Publication)

v.

Los Angeles County Department Of Children Services et al.

The judgment is reversed and the matter remanded to permit appellants an opportunity to amend the complaint to state a cause of action under 42 U.S.C. § 1983 regarding respondent Wohlfort's allegedly unlawful examinations of the Agjebo children for sexual abuse. In other respects, the judgment is affirmed. Each side is to bear its own costs of appeal.

Boland, J.

We concur:    Cooper, P.J.  
                      Flier, J.

B170810      People

v.

Jones

Filed order denying petition for rehearing.